

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:02-cr-35

v.

HON. JANET T. NEFF

RICHARD LEE BOWDEN,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Richard Lee Bowden has filed a motion for modification or reduction of sentence (Dkt 145) pursuant to 18 U.S.C. § 3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

The defendant is eligible for reduction in sentence, however he is subject to a statutory minimum sentence of 120 months in prison.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 145) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced from 135 months to 122 months imprisonment.

IT IS FURTHER ORDERED that defendant's request for reduction of his term of supervised release is DENIED.

DATED: March 5, 2012

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge